

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to the authority set forth in An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of said District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01 *et seq.*), Article III of Reorganization Plan No. 1 of 1983, effective March 31, 1983, D.C. Official Code §§ 47-2828 and 47-2851.20, and Mayor's Order 83-92, dated April 7, 1983, hereby gives notice of the intent to adopt, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, amendments to Title 14, Chapter 2 (Housing Business Licenses) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking amends the housing business licensing rules to update requirements for licensure and to clarify housing inspection requirements during the period of licensure. In addition, the name of the chapter is amended.

Title 14 DCMR, Chapter 2 is amended to read as follows:**CHAPTER 2 HOUSING BASIC BUSINESS LICENSES**

Secs.

200	General Licensing Requirements
201	Inspection of Premises
202	Licensing of Property Managers
203	Renewal of Housing Basic Business Licenses
204	Denial, Suspension, and Revocation of Licenses
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220	License and User Fees
299	Definitions

200 GENERAL LICENSING REQUIREMENTS

- 200.1 The provisions of this chapter shall be applicable to housing businesses licensed under D.C. Official Code § 47-2828.
- 200.2 Whenever any provision of this section that specifically applies to housing businesses conflicts with, or supersedes, a general provision of this chapter, the provision specifically applicable to housing businesses shall apply.
- 200.3 No person shall operate a housing business in any premises in the District of Columbia without first having been issued a basic business license for the premises by the Department of Consumer and Regulatory Affairs.
- 200.4 An applicant who is not a resident of the District of Columbia shall, as a condition to the issuance of a license, employ as his or her agent a person who is a resident of the District or who has a place of business in the District, and upon whom may

be served all notices and court processes in connection with or arising out of the licensee's business operation. The designated agent shall certify on the application that he or she has agreed to act as an agent for the licensee.

- 200.5 The appointment or employment of an agent shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of the agent required by this section, the licensee shall deliver to the Director of the Department of Consumer and Regulatory Affairs a written notice of the change not less than five (5) days after the change.
- 200.6 Each applicant shall, as a condition to the issuance of a license, indicate on the license application the name and contact information of a property manager or resident manager responsible for conducting maintenance and repairs on the property.
- 200.7 The appointment or employment of a person to conduct property maintenance and repairs shall be maintained during the period of time for which a license is issued; whenever any change is made in the appointment or employment of such person, the licensee shall deliver to the Director of the Department of Consumer and Regulatory Affairs a written notice of the change not less than five (5) days after the change.
- 200.8 A licensee shall conspicuously post the license on the premises indicated on the license, and such license shall be available for inspection by any authorized District government official or any tenant residing at the premises.

201 INSPECTION OF PREMISES

- 201.1 The Department of Consumer and Regulatory Affairs, and any other District government agency responsible for enforcement of the housing and building regulations, shall inspect every licensed housing business and any premises for which a housing business license application has been filed with the Department of Consumer and Regulatory Affairs.
- 201.2 The Director of the Department of Consumer and Regulatory Affairs shall determine whether a licensee is in compliance with all applicable provisions of the business license laws and regulations, and shall require that the building or part of the building to be licensed complies with the applicable building and housing laws and regulations.
- 201.3 The Fire Chief shall require that the premises comply with the applicable provisions of the D.C. Official Code and the District fire prevention and control laws and regulations.
- 201.4 The Department of Health shall require that the premises comply with all regulations governing the presence of rodents, waste storage and disposal, maintenance of waste containers, that the grounds and premises be maintained free of trash and debris, and that grass or weeds be maintained at a height of less than eight (8) inches.

- 201.5 In accordance with § 201.1, the Director of the Department of Consumer and Regulatory Affairs may develop a housing inspection program establishing a regular system of inspections for every licensee, with more frequent inspections for licensees found to be in violation of the applicable building and housing laws and regulations.

202 LICENSING OF PROPERTY MANAGERS

- 202.1 For purposes of this section, the term “property manager” means an agent for the owner of real estate in all matters pertaining to property management, as defined in D.C. Official Code § 47-2853.141, which are under his or her direction, and who is paid a commission, fee, or other valuable consideration for his or her services. A property manager may employ resident managers.

- 202.2 If the property manager of a housing business is someone other than the licensee, that property manager shall comply with the requirements of D.C. Official Code §§ 47-2853.141 through 47-2853.143, and any regulations issued pursuant thereto.

203 RENEWAL OF HOUSING BASIC BUSINESS LICENSES

- 203.1 The Director of the Department of Consumer and Regulatory Affairs may, upon application by a licensee, issue a renewal of a valid housing basic business license subject to subsequent determination that all provisions of the applicable laws and regulations are being observed by the licensee.
- 203.2 The premises of each license renewal applicant shall be subject to the inspection provisions of Chapter 1 of this title and § 201.5.

204 DENIAL, SUSPENSION, AND REVOCATION OF LICENSES

- 204.1 Refusal to permit any authorized District of Columbia official to inspect the premises occupied or to be occupied by a housing business shall be cause for withholding the issuance of a license for the premises until such time as inspection is permitted.
- 204.2 Refusal to permit any authorized District of Columbia official to inspect the premises occupied by a licensed housing business shall be cause for revocation of the license.
- 204.3 The Director of the Department of Consumer and Regulatory Affairs may refuse to issue or renew, or may suspend or revoke, a license issued under this chapter on any of the following grounds:
- (a) Conviction of the business license holder for any criminal offense involving fraudulent conduct arising out of or based on the business being licensed;

- (b) Willful or fraudulent circumvention by the business operator of any provision of District statute or regulation relating to the conduct of the business;
- (c) Employment of any fraudulent or misleading device, method, or practice relating to the conduct of the business; or
- (d) The making of any false statement in the license application.

204.4 All qualifications set forth in this chapter as prerequisite to the issuance of a license shall be maintained for the entire license period. Failure to maintain any qualification for license shall be cause for suspension or revocation of the license.

205 – 219 [RESERVED]

220 LICENSE AND USER FEES

220.1 For purposes of this chapter, the following fees shall apply:

- (a) A license fee for one (1) or two (2) unit properties of seven dollars (\$7.00) base fee plus twenty eight dollars (\$28.00) per unit;
- (b) A reinspection fee for routine housing inspections of ninety dollars (\$90.00) per reinspection; and
- (c) A fee to cover the administrative costs of the fund established pursuant to subsection 1(b)(1)(B) of An Act To provide for the abatement of nuisances in the District of Columbia by the Commissioners of the District, and for other purposes, approved April 14, 1906 (34 Stat. 114; D.C. Official Code § 42-3131.01(b)(1)(B), of one hundred twenty-two dollars (\$122.00) base fee and twenty six dollars and forty cents (\$26.40) for each additional hour.

299 DEFINITIONS

299.1 The provisions of section 199 of chapter 1 of this title and the definitions set forth in that section shall be applicable to this chapter.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 941 North Capitol Street, NE, Suite 9500, Washington, D.C. 20002, or via e-mail at helder.gil@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested. Free copies are available on the DCRA website at <http://dcra.dc.gov> by going to the “DCRA News” link and then clicking on the “Rulemaking” tab.